

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)**

13cv0633F

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

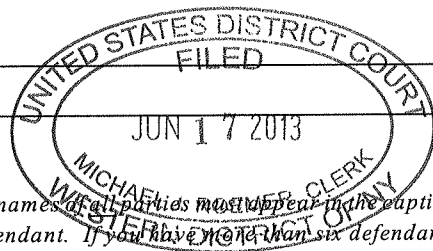
1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: **NOTE:** *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. Anthony Romano (00A5352)

2. _____

-VS-



B. Full Name(s) of Defendant(s) **NOTE:** *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. Kevin Ulrich C.O.

2. Joseph Cianci C.O.

3. GARY Coviello C.O.

4. Daniel Leonard C.O.

5. Roy Bell C.O.

6. Gregory Carney C.O.

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION **NOTE:** *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: Anthony Romano (00A5352)

Present Place of Confinement & Address: GREAT MEADOW CORRECTIONAL -

FACILITY BOX 51 COMSTOCK, N.Y. 12821-0051

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: KEVIN ULRICH - C.O.

(If applicable) Official Position of Defendant: Correction Officer

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA, N.Y. 14011-0149

Name of Defendant: JOSEPH CIANCHI - C.O.

(If applicable) Official Position of Defendant: Correction Officer

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA, N.Y. 14011-0149

Name of Defendant: GARY COVIELLO C.O.

(If applicable) Official Position of Defendant: Correction Officer

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA, N.Y. 14011-0149

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
Plaintiff(s): Anthony Romano
Defendant(s): KENNETH HOWARTH - CO. MATTHEW, -
KARKOS - C.O. Michael, Juron - C.O.
2. Court (if federal court, name the district; if state court, name the county): UNITED STATES
District Court Southern District of New York,
3. Docket or Index Number: 87 CIV, 8015 (SSR)
4. Name of Judge to whom case was assigned: HONORABLE JEDS RAKOFF,

5. The approximate date the action was filed: April 19, 1986

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☒

If not, give the approximate date it was resolved. MAY 2003

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to exhaust administrative remedies;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☒ Judgment upon motion or after trial entered for

☒ plaintiff

☐ defendant.

B. Have you begun **any other lawsuits** in **federal court** which **relate to your imprisonment**?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include **all** possible claims.)

- | | | |
|--------------------|--|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • <input checked="" type="radio"/> Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to **42 U.S.C. § 1997e(a)**, "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident)

FEBRUARY 17, 2011

defendant (give the **name and position held** of each defendant involved in this incident)

① KEVIN - C.O. WIRICH, ② JOSEPH CIANCI - C.O. GARY COVIELLO, C.O. DANIEL LEONARDO, C.O. RORY BELL, C.O.

did the following to me (briefly state what each defendant named above did):

ALL (10) OFFICERS THE (ABOVE) TAKEN (TURNS) PUNCHING ME IN MY FACE / FACIAL SEVERAL TIMES WHO IN PART HAD GIVIN (ME) 4 - LACERATIONS TO MY FACE, A BLACK AND BLUE RIGHT EYE, AS WELL AS A BROKEN RIGHT CHEEK BONE IS FRACTURED STILL. ALL (10) OFFICERS TAKEN TURNS KICKING & STOPPED ON BODY PARTS.

The constitutional basis for this claim under 42 U.S.C. § 1983 is:

EIGHT AMENDMENT - CRUEL & UNUSUAL PUNISHMENT,

The relief I am seeking for this claim is (briefly state the relief sought):

FOR COMPENSATORY, PUNITIVE DAMAGES, FOR AN MY SUFFERING OF PHYSICAL INJURIES, IN THE AMOUNT OF (\$1,000,000)

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim?

☒ Yes

☐ No

If yes, what was the result?

DENIED AFTER BEING (ASSAULTED) IT WAS SENT TO A PSYCHIATRIC HOSPITAL.

Did you appeal that decision?

☒ Yes

☐ No

If yes, what was the result?

DENIED I CANNOT EXHAUST MY REMEDIES IN A PSYCHIATRIC HOSPITAL.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

I STILL TRYED TO EXHAUST ALL MY REMEDIES BUT I WAS STILL DENIED TO ENTER THE GRIEVANCE DEPARTMENT AS A (MENTAL-PATIENT).

A. SECOND CLAIM: On (date of the incident)

FEBRUARY 17, 2011

defendant (give the **name and position held** of each defendant involved in this incident)

KEVIN WIRICH, C.O. JOSEPH CIANCI, C.O. GARY COVIELLO, C.O. DANIEL LEONARDO, C.O. RORY BELL, C.O.

did the following to me (briefly state what each defendant named above did): ALL THE ABOVE

(10) CORRECTION-OFFICERS HAD TAKEN(TURNS)-
PUNCHING ME IN MY FACE/FACIAL SEVERAL-
TIMES, WHO IN PART HAD GIVING ME) 4 -
LACERATIONS TO MY FACE, A BLACK & BLUE
RIGHT EYE, AS WELL AS A BROKEN RIGHT CHEEK-
BONE STILL(FRACTURED). ALL(10) CORRECTION-
OFFICERS TAKEN(TURNS) KICKING & STOPPING BODY PARTS.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: MY EIGHT AMENDMENT,
CRUEL & UNUSUAL PUNISHMENT, USE OF EXCESSIVE FORCE.

The relief I am seeking for this claim is (briefly state the relief sought): FOR COMPENSATORY,
PUNITIVE DAMAGES, FOR ALL MY SUFFERING OF-
PHYSICAL INJURIES, (USE OF EXCESSIVE FORCE).

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? DENIED

AFTER BEING(ASSAULTED) IT WAS SENT TO psychiatric Hospital

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? DENIED

I(CANNOT) EXHAUST MY REMEDIES IN A psychiatric Hospital

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: I TRIED TO

EXHAUST MY REMEDIES I ENTERED THE GRIEVANCE TO
LATE.

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I WANT THE (COURTS) TO (RELIEF) ME OF THE
AMOUNT OF (\$2,000,000) FOR ALL MY PAIN & -
SUFFERING, PHYSICAL INJURIES, MENTAL ANGUISH,
POSTTRAUMATIC STRESS DISORDER, PERMANENT-DISABILITIES,

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MAY 24, 2013
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Anthony Romano (OOAS352)
Anthony Romano
(OOAS352)

Signature(s) of Plaintiff(s)

DEFENDANT'S INFORMATION NOTE

Name of Defendant DANIEL LEONARD C.O.

(If Applicable) OFFICIAL POSITION OF Defendant
CORRECTION OFFICER

(If Applicable) Defendant is Sued in
Individual and/or OFFICIAL
CAPACITY

Address of Defendant ATTICA CORRECTIONAL
FACILITY

ATTICA, N.Y. 14011-0149

Name of Defendant ROY BELL C.O.

(If Applicable) OFFICIAL POSITION OF Defendant
CORRECTIONAL OFFICER

(If Applicable) Defendant is Sued in
Individual and/or OFFICIAL
CAPACITY

Address of Defendant ATTICA, CORRECTIONAL
FACILITY

ATTICA, N.Y. 14011-0149

Name of Defendant GREGORY CARNEY C.O.

(If Applicable) OFFICIAL POSITION OF Defendant
CORRECTION OFFICER

(If Applicable) Defendant is Sued in
Individual and/or OFFICIAL
CAPACITY

Address of Defendant
ATTICA CORRECTIONAL FACILITY

ATTICA, N.Y. 14011-0149

DEFENDANT'S INFORMATION NOTE

NAME OF DEFENDANT JEFFREY HAZARD C.O.
(If Applicable) OFFICIAL POSITION OF DEFENDANT
CORRECTION OFFICER

(If Applicable) Defendant is Sued
☒ Individual and/or ☒ OFFICIAL
CAPACITY

Address of Defendant ATTICA, CORRECTIONAL
FACILITY,
ATTICA, N.Y. 14011-0149

NAME OF DEFENDANT BRIAN FEENEY
(If Applicable) OFFICIAL POSITION OF DEFENDANT
CORRECTION OFFICER

(If Applicable) Defendant is Sued
☒ Individual and/or ☒ OFFICIAL
CAPACITY

Address of Defendant ATTICA, CORRECTIONAL
FACILITY,
ATTICA, N.Y. 14011-0149

NAME OF DEFENDANT JEFFREY LACAPRUCCIA
(If Applicable) OFFICIAL POSITION OF DEFENDANT
CORRECTION OFFICER

(If Applicable) Defendant is Sued
☒ Individual and/or ☒ OFFICIAL
CAPACITY

Address of Defendant ATTICA
CORRECTIONAL FACILITY,
ATTICA, N.Y. 14011-0149

DEFENDANTS INFORMATION NOTE

NAME of Defendant JEFFREY MILLER C.O.
(If Applicable) OFFICIAL POSITION OF Defendant
CORRECTION OFFICER

(If Applicable) Defendant is Sued in
☒ Individual and/or ☒ OFFICIAL
CAPACITY

Address of Defendant ATTICA, CORRECTIONAL
FACILITY.

ATTICA, N.Y. 14011-0149

NAME of Defendant MARC CUNNINGHAM
(If Applicable) OFFICIAL POSITION OF Defendant
(SERGEANT) Sgt.

(If Applicable) Defendant is Sued in
☒ Individual and/or ☒ OFFICIAL
CAPACITY

Address of Defendant ATTICA, CORRECTIONAL
FACILITY

ATTICA, N.Y. 14011-0149

A. FIRST CLAIM on (date of the incident)
February 17, 2011

defendant (give the NAME and position held
of each defendant involved in this incident)

GREGORY CARNEY - C.O. JEFFREY -

HAZARD - C.O. BRIAN FEENEY - C.O.

JEFFREY LACAPRUCCIA, C.O. JEFFREY -
MILLER - C.O.

SERGEANT-MARK CUNNINGHAM Sgt.

A. SECOND CLAIM: ON (date of the incident)
February 17, 2011

defendant (give the name and position held
of each defendant involved in this incident)

GREGORY CARNEY, C.O. JEFFREY-

HAZARD, C.O. BRIAN FEENEY, C.O.

JEFFREY LACAPRUCCIA, C.O.

JEFFREY MILLER, C.O.

SERGEANT Sgt, MARK CUNNINGHAM,

Exhaustion of your Administrative Remedies For this Claim

I ONLY NEED TO TELL THE COURTS UPON EXHAUST REMEDIES ARE THE FOLLOWING REASONS WHY?


FIRST - AFTER THE (ASSAULT) I WAS PLACED AT THE FACILITY'S INFIRMARY ON THE 21ST DAY OF TO FILE ANY GRIEVANCE. THEN I WAS PLACED INTO A STRIPPED CELL CALLED OBS FOR OBSERVATION IN AN M. A. U. UNIT MENTAL-HOUSEING UNIT FOR (MENTAL-PATIENTS). THEN I WAS SENT TO A PSYCHIATRIC-HOSPITAL FOR A 6 MONTH RETENTION WITHOUT A (LAW-LIBRARY) OR NOT KNOWING ANY TIME-LIMITS ON ANY GRIEVANCE UNDER THE INFLUENCE OF PSYCHOTROPIC-PSYCHE-MEDICATIONS PERIOD. SO I TRIED AND I TRIED TO GET BACK TO THE GRIEVANCE DEPARTMENT AFTER SO LONG SEVERAL-MONTHS LATER AFTER \$0, \$0, MUCH PAIN & SUFFERING, MENTAL-ANGUISH, DEPRESSED, PTSD, POSTTRAUMATIC STRESS DISORDER, AS WELL AS PERMANENT-DISABILITIES, BESIDES BEING IN A MENTAL-HOSPITAL.

PART OF MY MOTION ON BEHALF
OF MY §1983 42 U.S.C. CIVIL-
RIGHTS ACTION SEEK LETTER
TO CIVIL-COURTS.

ON JANUARY 12 2012 A MR. ORTIZ
HAD COME TO VISIT ME ON BEHALF
OF THIS INCIDENT (USE OF EXCESSIVE
FORCE) ASSAULT BY CORRECTIONAL
OFFICERS THAT TAKEN PLACE IN
ATTICA CORRECTIONAL FACILITY HE WAS
FROM THE INSPECTORS-GENERAL'S
OFFICE ONLY TO INVESTIGATE
THIS INCIDENT WHILE HERE IN
GREAT MEADOW CORRECTIONAL FACILITY.
SO THE (INSPECTOR GENERAL) DID
COME VISIT ME FOR MY PROOF
by THEM BUT THEY THE I.G.
HAD NEVER GOTTEN BACK TO ME
ON THIS MATTERS ON JANUARY 12, 2012,
HERE WHILE AT COMSTOCK, JUST TO
BRING THIS TO THE COURTS -
ATTENTION I ONLY ASSUME THERE
WAS SOME KIND OF INVESTIGATION
ON MY BEHALF FROM I.G. themselves.

CC/FILE
ROMANO
00A5352
MAY 24, 2013

RESPECTFULLY
Yours
Anthony Romano
ANTHONY ROMANO
(00A5352)

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p>	Grievance Number A-57680-10	Desig./Code I/44	Date Filed 12/6/10
	Associated Cases		
	Facility Attica Correctional Facility		
<p>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</p>	Title of Grievance Grievances Not Filed		

3/2/11

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted in part.

CORC notes that a review of the Clerk's log indicates that none of the six grievances listed by the grievant were received or processed by the IGRC. There are, however, six grievances logged from him between 8/27/10 and 11/17/10, and the IGP Supervisor provided him with the status of these grievances on 12/6/10. The IGP Supervisor reports that all the grievances have been responded to, and all answers have been forwarded to him. There is no indication that his grievances have been consolidated.

With regard to the grievant's appeal, CORC has not been presented with sufficient evidence to substantiate any malfeasance by IGRC staff, or that his grievances are not being filed. CORC advises him to address any further concerns regarding the status of his grievances to the IGP Supervisor for the most expeditious means of resolution. CORC notes that Directive #4040, Section 701.1, states, in part, that the grievance program is not intended to support an adversary process.

RCE/sl

1-8



MEMO ATTICA CORRECTIONAL FACILITY

=====

INMATE GRIEVANCE PROGRAM

TO: A. Romano, 00A5352, Marcy CNYPC
FROM: George D. Struebel, IGP Supervisor
SUBJ: Your attempted Grievance
DATE: 5/19/11

Handwritten signatures: "SS" and "Struebel"

Your attempted grievance cannot be accepted and is being returned to you for the following reasons;

1. Grievances must be filed within 45 days of the grieved event. Your event happened over 90 days ago.

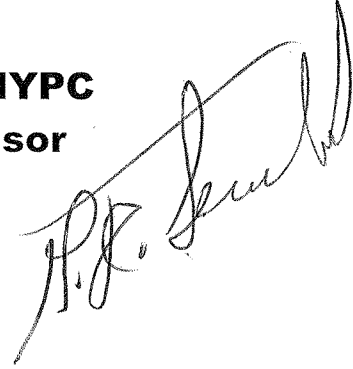
2. Grievances cannot be filed in a facility in which you do not house; you are no longer housed in Attica C. F.

3. You are currently not even in the custody of the Department of Correctional and Community Services; you are in the custody of the NYS Mental Health Department. As such, you cannot file grievances with this department.

MEMO ATTICA CORRECTIONAL FACILITY

INMATE GRIEVANCE PROGRAM

TO: A. Romano, 00A5352, Marcy CNYPC
FROM: George D. Struebel, IGP Supervisor
SUBJ: Your letter of %/24/11
DATE: 5/31/11



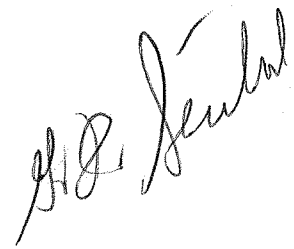
I refer you to my memo of 5/19/11. You cannot file a grievance in this facility; you do not reside here. You cannot file a grievance on situations from months ago; there is 45 day time restriction. You cannot file a grievance on a claim decision; appeal the claim.

*P.S. Make sure you
put your DIN on all
correspondence*

MEMO ATTICA CORRECTIONAL FACILITY

INMATE GRIEVANCE PROGRAM

TO: A. Romano, 00A5352, CNYPC
FROM: George D. Struebel, IGP Supervisor
SUBJ: Your 5/31/11^{ect} to Supt. Bradt.
DATE: 6/3/11



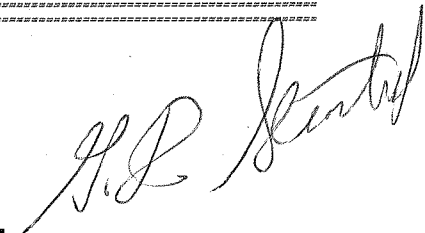
The above has been referred to me for response. I refer you to my memos to you of 5/31 and 5/19. there is no exception to this restriction.

MEMO ATTICA CORRECTIONAL FACILITY

=====

INMATE GRIEVANCE PROGRAM

TO: A. Romano, 00A5352, Cnypc
FROM: George D. Struebel, IGP Supervisor
SUBJ: Your correspondence received today
DATE: 6/10/11



I have responded to you on this matter previously. I refer you to my memos to you of 5/19/11, 5/31/11, and 6/3/11. The answer has not changed and will not change.

STATE OF NEW YORK-DEPARTMENT OF CORRECTIONAL SERVICE

ATTICA CORRECTIONAL FACILITY

TO: Anthony Romano 00A5352 CNYPC

FROM: SANDRA PRUSAK, INMATE RECORDS COORDINATOR II 

SUBJECT: FREEDOM OF INFORMATION LAW-FOIL REQUEST

DATE: August 1, 2011

- ☐ 1. This is to acknowledge receipt of your request under Freedom of Information. Said request is being reviewed and you will be notified of the results of this Review
- ☐ 2. A review of your records indicate the documents you requested will require a fee of \$.50. The photocopying fee is \$.25 per page. Upon receipt of your signed Disbursement form stamped by your Hall Captain, the records that you requested will be forwarded to you.
- ☐ 3. Your FOIL request has been denied. The reason for such denial is as follows:
- ☐ A. No such records exists. Please be more specific as what you are requesting.
 - ☐ B. Information received from you is vague, you must be specific about the documents you are requesting, dates, etc....
 - ☐ C. No source area signature on disbursement.
 - ☐ D. The document you have requested would compromise the safety and security of the facility/or it is confidential or personal.
 - ☐ E. Dissemination of your Pre Sentence Investigation Report and RAP sheet by this office to you is prohibited by statute. (CPL 390.50)
 - ☐ F. Records are pre-decisional inter-agency material and are exempt from disclosure.
 - ☐ G. Records are evaluative and are exempt from disclosure.
 - ☐ H. Insufficient Funds (NOTICE: If original requests relates to hearing please review Directive 2010, VII, H.)
 - ☐ I. No previous FOIL request was received by this office.
- ☐ 4. Your sentencing minutes and/or certificate of conviction are not contained in your central file, you must write to the court in the county in which you were sentenced to request it from them.
- ☒ 5. Your request has been forwarded to the Medical/Guidance/Parole/Business Office/FRP/ Food Service/OMH/Mess Hall/Grievance/Disciplinary/Correspondence/ Law Library/Disciplinary Chaplins/Contraband for their action. Please address any concerns you may have with that Office.
- ☐ 6. You must write to Correctional Facility. That record does not exist at this facility.
- ☐ 7. You will be hearing something in the near future regarding your review request.

If you do not agree with this decision, you may contact in writing:
Counsel's Office, Building 2 1220 Washington Ave. Albany, NY 12226.

sp: lp
cc: File

ATTICA CORRECTIONAL FACILITY

Office of the Superintendent

MEMO

To: Romano 00A5352 CN4PC
NAME DIN CELL

From: Mark L. Bradt, Superintendent MLB

Date: 7-29-11

Subject: Inmate Note Dated 7-20-11 Received on 7-29-11

____ Your complaint has been received. The Inmate Grievance Program (per Directive 4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

____ I am investigating your letter and as soon as I have sufficient information, I will reply.

☒ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

____ Your time cut request has been referred to the Deputy Superintendent for Security for response.

____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.

MLB.bcm

c. Capt Brown

file

Attica Correctional Facility Memorandum

TO: A. Romano, 00a5352, Great Meadow ICP
From: Mr. Janes, IGPS
Subject: Your attempted grievance
Date: **November 09, 2011**

Regarding your attempted grievance; it is being returned to you. We can NOT file it. Grievances must be filed at the facility that you are currently housed in. You are not an inmate at this facility. Additionally, it is well beyond time frames for filing. A grievance must be filed within 21 days of an alleged incident. The IGP Supervisor may grant an exception to the time limit based on mitigating circumstances. An exception to the time limit may NOT be granted more than 45 days after an alleged occurrence. This complaint is also well beyond time limits even when considering mitigating circumstances. If you have any questions please refer to directive 4040. Again, the Attica Inmate Grievance Program can not file your attempted grievance and it is being returned to you.

CC: Supt. M. Bradt
IGPS Great Meadow C.F.

I am filing This Grievance exercising MY guaranteed and Protected rights under The CONSTITUTION OF The United States OF America.

I am exercising MY right under The first Amendment (freedom of speech and, The right To redress MY Grievances) due TO The fact That MY CONSTITUTIONAL rights have been Violated and, are NOT Time barred by Correctional Standards.

Under The fourteenth Amendment, MY right TO The due Process of The law and, The equal Protection of The law) are TO be Protected and, This is why Mr. _____ I resubmit This Grievance asking That MY guaranteed rights be Protected.

On Feb 17 2011 MY eighth Amendment right was Violated when I was assaulted by staff at Attica Facility.

I know That I am NOT currently being held by (DOCS) at The Present Time, but, you and I know That I will be returned TO (DOCS) one day in The near future.

I fear for MY life and safety, and This is why I now file This Grievance.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss. :
COUNTY OF WASHINGTON)

I, ANTHONY ROMANO, being duly sworn, depose and say
that on the 12, day of JUNE, 20013,

Petitioner/Defendant/Claimant, served upon the defendant/
respondent the annexed document(s) identified as:

MOTION TO U.S. DISTRICT upon the following party:
Court Western District
OF New York
§1983 42 U.S.C.
CIVIL RIGHTS ACTION,

by placing the same in the mailbox at the Great Meadow Correctional
Facility, under the exclusive care and custody of the United
States Postal Service, by regular first class mail/certified
return receipt mail/ other.

Anthony Romano

Sworn to before me this

12 day of June, 2013.

James M. Terrio
NOTARY PUBLIC

JAMES M. TERRIO
Notary Public - State of New York
No. 01TE6217805
Qualified in Washington County
My Commission Expires February 22, 2014

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

U.S.C.A. Docket No.

CERTIFICATE
OF SERVICE

ANTHONY ROMANO
(00A5352)

V. Case Caption

KEVIN WIRICH, JOSEPH CIANCI,
GARY COVIELLO, DANIEL LEONARD,
RORY BELL, GREGORY CARNEY,

JEFFREY HAZARD,
BRIAN FEENEY,
JEFFREY LACAPRUCCIA,
JEFFREY MILLER,
MARK CUNNINGHAM, SERGEANT
hereby certify under the penalty

I. ANTHONY ROMANO
NAME

of perjury that on the 24, day of MAY, 2013. I
DAY MONTH YEAR

served by United States Mail or hand delivery the MOTION,

\$1983 42 U.S.C. CIVIL-RIGHTS ACTION
(NAME OF DOCUMENT: Motion, Brief, Letter, etc.)

on the following:

U.S. District Court
NAME
WESTERN District
OF New York
200 U.S. Courthouse
2 Niagara Square
BUFFALO, N.Y. 14202
ADDRESS

(00A5352)
ANTHONY ROMANO
NAME
GREAT MEADOWS Corr
FACILITY, BOTS1
COMSTOCK, N.Y. 12821-
0051

ADDRESS

Anthony Romano
SIGNATURE